REMARKS

Claims Status

Claims 1, 3-17 and 19-20 are pending in the subject application.

Lack of Unity

On page 2 of the February 1, 2007 Office Action, the Examiner to which this application is assigned alleges that the subject application contains inventions or groups of inventions which are not so linked as to form a single inventive concept. The Examiner required restriction to one of the following inventions under 37 CFR 1.499:

Group I, claims 1, 5-7, drawn to a method of treating a disorder comprising administering a serotonin reuptake inhibitor and a GlyT-1 inhibitor;

Group II, claims 3 and 4, drawn to a method for augmenting and/or providing faster onset of the therapeutic effect of a serotonin reuptake inhibitor comprising administering a serotonin reuptake inhibitor and a GlyT-1 inhibitor;

Group III, claims 8-11, 12-16, 19, 20, drawn to a pharmaceutical composition comprising a serotonin reuptake inhibitor and a GlyT-1 inhibitor; and

Group IV, claim 17, drawn to a kit comprising serotonin reuptake inhibitor and a GlyT-1 inhibitor.

The Examiner alleges that the inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 for lacking the same or corresponding technical features.

The Examiner acknowledged that the common technical feature is a serotonin reuptake inhibitor and a GlyT-1 inhibitor, however in consideration of Rule 13.2, the Examiner alleges that this element is shown in the prior art.

The Examiner further advises Applicants that if Group I is elected, Applicant is required to elect a single disorder from claim 1, a SRI compound from claim 6 and a GlyT-1 inhibitor from claim 7. If Group II is elected, Applicant is required to elect a single disorder from claim 4. If Group III is elected, Applicant is required to elect a GlyT-1 inhibitor from claim 11 and a SRI from claim 12.

In response to this Restriction Requirement, Applicants' undersigned attorney, on behalf of Applicants, hereby elects, with traverse, to prosecute the invention of Group I, i.e. claims 1 and 5-7, drawn to a method of treating a disorder comprising administering a serotonin reuptake inhibitor and a GlyT-1 inhibitor. As advised by the Examiner, Applicants hereby elect depression as the species from claim 1; citalopram as the species from claim 6; and N-{3-[5-Chloro-1-(4-chloro-phenyl)-indan-1-yl]-propyl}-N-methyl-alanine from claim 7.

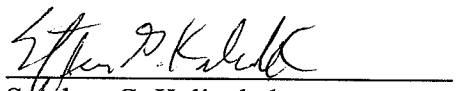
The Examiner has acknowledged that upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which depend from or otherwise require all of the limitations of an allowed generic claim as provided by 37 C.F.R. 1.41.

Applicants maintain that the inventions of Groups I-IV are unified by the technical feature of administering a SRI and a GLYT-1 inhibitor to a person. The inventors have unexpectedly discovered that administering the combination of an SRI and a GLYT-1 inhibitor, in contrast to one drug alone, elevates serotonin (5-HT) levels in the ventral hippocampus. The prior art does not teach nor suggest that GlyT-1 inhibitors modulate the 5-HT system of the brain. The prior art does not teach or suggest that GlyT-1 inhibitors augment the effect of an SRI. Applicants maintain that the restriction of Groups I-IV is not proper because it would not be obvious to the person skilled in the art to administer the combination of an SRI and a GLYT-1 inhibitor for the treatment of 5-HT related disorders.

If a telephone interview would be of assistance in advancing prosecution of the above-identified application, applicants' undersigned attorney invites the Examiner to telephone the number provided below.

No additional fee, other than the fee for a four-month extension of time being concurrently filed, is deemed necessary with the filing of this Communication. However, if any additional fee(s) is required, authorization is given to charge such fee(s) to Deposit Account No. 50-3201.

Respectfully submitted,



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